

# **SPECIAL MEETING NORTH SMITHFIELD TOWN COUNCIL**

**JANUARY 7, 2013**

**KENDALL-DEAN SCHOOL AUDITORIUM**

**7:00 P.M.**

The meeting began at 7:00 P.M. with the prayer and the pledge to the flag. Council members present were Ms. Alves, Mr. Yazbak, Mr. Zwolenski and Mr. Flaherty. Mr. McGee did not attend due to illness. Town Administrator Hamilton and Town Solicitor Lombardi were also in attendance.

## **DISCLAIMER**

Mr. Flaherty read the following disclaimer: “It is the board’s understanding that this meeting is being videotaped for future broadcast on cable television. Please be advised that this videotaping is being done by private citizens. It is not being done on behalf of the town nor is the Town of North Smithfield responsible or affiliated with it. It is not a public record. The Town of North Smithfield especially disclaims any liability for the contents or the accuracy thereof.”

## **TOWN COUNCIL WORKPLAN**

Mr. Flaherty provided a document as a road map for priorities and goals over the next two years. He has three categories -- Economic Development, Infrastructure, and Budget/Administration -- and within

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those categories goals, partners and estimated completion dates are outlined.

**MOTION** by Mr. Zwolenski, seconded by Ms. Alves, and voted 4 to 0 on an aye vote to agree to begin with these suggestions.

#### **MEETING WITH GENERAL ASSEMBLY DELEGATION**

Senators Marc Cote, Edward O'Neill and Paul Fogarty and Representative Brian Newberry attended.

Mr. Yazbak had concerns about unfunded mandates such as statistical and total revaluations. He felt tax rates for motor vehicles should be locked in and uniform across the state. Also the town cannot use police department resources to find people who live here yet have out-of-state license plates.

Representative Newberry commented that in 2009 the Council had drafted a resolution asking for relief from some mandates. Some of the items that Mr. Yazbak spoke of are on the agenda but Mr. Newberry needs to have Council resolutions asking him to do certain things. When legislation gets drafted, it has to go through legal counsel at the General Assembly to be sure it is drafted properly. Mr. Newberry offered the services of the minority leader's staff.

Mr. Flaherty had three matters he would like to see addressed: 1.) As

**a follow-up to the work done on the Regulatory Reform Act last year, anything to make the process of completing forms easier on the person filling out the forms; 2.) Restoring the historic tax credit; and 3.) An amendment to the property tax levy cap in conjunction with economic development.**

**\*1.) As a follow up to passage of the Regulatory Reform Act last year, Mr. Flaherty asked the delegation for its continued support for funding the development of an automated system for uniform permitting and tracking that can be used in all municipalities.**

**(\*Amended by Mr. Flaherty at the 2/19/13 Council meeting.)**

**Mr. Newberry felt the historic tax credit would be back and he would support it if it's got enough controls on it to prevent people from abusing it.**

**\*Mr. Newberry also described his familiarity with the proposed amendment to the levy cap law that Mr. Flaherty mentioned. He indicated he thought the proposal had merit and that he would support it.**

**(\*Amended by Mr. Flaherty at the 2/19/13 Council meeting.)**

**Senator Cote commented they are all sensitive to the fiscal stress placed on municipalities because of the cuts made to general revenue**

**sharing. He will be looking at what can be done to get that back on track as well as a fair funding formula for education.**

**Senator O'Neill shares the concern about out-of-state registered vehicles. People are not paying their fair share.**

**Senator Fogarty said the Senate legal staff is also available to assist with bills. The economy is of major importance and he will be looking for ways to streamline the process for businesses to get started.**

**ZONE CHANGES FOR CERTAIN LOTS ON ASSESSOR'S PLATS 1 AND 21A FROM NEIGHBORHOOD BUSINESS AND SUBURBAN RESIDENTIAL TO BUSINESS HIGHWAY**

**MOTION by Ms. Alves, seconded by Mr. Zwolenski, and voted 4 to 0 on an aye vote to continue this to January 22, 2013.**

**ZONING ORDINANCE AMENDMENT RE: WETLAND SETBACKS FOR ONSITE WASTE WATER TREATMENT SYSTEMS, OWTS, BUILDINGS AND IMPERVIOUS SURFACES**

**MOTION by Ms. Alves, seconded by Mr. Zwolenski, and voted 4 to 0 on an aye vote to continue this to January 22, 2013.**

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**SCHOOL RESOURCE OFFICER**

**MOTION by Ms. Alves, seconded by Mr. Zwolenski, and voted 4 to 0 on an aye vote to move this up next on the agenda.**

**As a result of the Newtown, Connecticut tragedy, Chief Steven Reynolds met with Administrator Hamilton and Superintendent of Schools Lindberg to discuss measures that could be taken in North Smithfield. He immediately deployed a full-time officer to the schools and patrol units to monitor the schools. If the town and school department agrees to go forward with this type of program, the Chief is looking at deployment in January 2014 because recruits would have to be sent to the training academy.**

**Chief Reynolds introduced the resource officer at Lincoln High School, Officer David Waycott of the Lincoln Police Department.**

**Officer Waycott stated there are two school resource officers in Lincoln; one is located at the Middle School and one is located at the High School and the program is very successful. He explained how the program works in Lincoln.**

**PUBLIC HEARING FOR EXEMPTIONS TO NOISE ORDINANCE -  
NARRAGANSETT ELECTRIC CO. D/B/A NATIONAL GRID**

**Mr. Peter Lacouture and Project Manager David Berron spoke on behalf of National Grid. They reviewed the overall plan including timetables, necessary permits and advisory opinions, upgrades, cost, etc. National Grid is seeking an exemption from the noise ordinance**

**to allow construction, demolition, and earth moving noise from 7:00 a.m. to 7:00 p.m., seven days a week, with occasional extended hours for tasks that must be completed once started such as concrete pours or line pulling and overnight work for wire pulling and related activities whenever required by the Rhode Island Department of Transportation for road crossings. They are also seeking an exemption to exceed the noise limits of the noise ordinance. These exemptions are requested throughout the entire construction phase of the Interstate Reliability Project estimated to be completed in 2015.**

**Mr. Berron noted that the Council's decision would be treated as an advisory opinion to the Energy Facilities Siting Board.**

**Mr. Berron commented that the likelihood of needing to work on Sundays is diminished from when they worked on the Rhode Island Reliability Project.**

**In response to a question from Mr. Yazbak, Mr. Berron responded there have been less than a dozen issues from abutters during the Rhode Island Reliability Project.**

**Mr. Flaherty asked if there was some kind of timetable that would be available to the public to inform them when and what kind of work would be taking place.**

**Mr. Berron answered there is a website that provides bi-weekly**

updates.

Michael Rapko of 25 Old Greenville Road hoped that when pile driving is done in Cedar Swamp that it isn't done at seven o'clock in the morning. The noise is amplified there. His second issue is with the water levels in the swamp. There have been problems with the beaver dams. The good news is that the beaver dams are holding back the water for Cherry Brook. However, they are right in the way of where the poles will be going in. There needs to be a compromise as to how to handle the water levels in the swamp.

Mr. Berron responded that the poles are considerably shorter and there should be very little pile driving required and they should be able to avoid 7 a.m.

Jamie Durand spoke to the question about the beaver dams. Plans have been submitted to DEM and the Corps of Engineers. There are three options -- go in and trap the beavers and eliminate the beaver population, leave the dams in place but that poses a problem for National Grid regarding access along the right-of-way for

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construction, or using temporary beaver deceivers which is a piping system that would lower the water level but not entirely.

Scott Reichenberg asked if Premisy Hill Road would be used as an

access road. It is a private road and not built to withstand heavy equipment. He also asked if the pounding or blasting would affect concrete foundations of homes or swimming pools.

Mr. Berron stated that no blasting was done for the Rhode Island Reliability Project and he did not expect any to be done for this project. There is also a budget for landscape mitigation for any properties that may be affected.

Mr. Durand explained that, although Premisy Hill Road has been used for certain tasks, because it is a private way, National Grid has identified a route coming off of Pound Hill Road for heavy construction vehicles.

Joseph Cardello of 174 Woonsocket Hill Road asked if there was any possibility of going underground or using a monopole instead and was told no.

**MOTION** by Mr. Yazbak, seconded by Ms. Alves, and voted 4 to 0 on an aye vote to close the public hearing.

**MOTION** by Ms. Alves and seconded by Mr. Yazbak to send a favorable recommendation to the Siting Board. The motion was later withdrawn as was the second.

**MOTION** by Mr. Yazbak, seconded by Ms. Alves, and voted 4 to 0 on

**an aye vote to approve an exemption to the town's noise ordinance for Narragansett Electric Co. d/b/a National Grid.**

**BVL LIQUOR AND VICTUALING LICENSES - YAMA FUJI, INC.**

**MOTION by Ms. Alves, seconded by Mr. Yazbak, and voted 4 to 0 on an aye vote to move this item up next on the agenda.**

**MOTION by Mr. Yazbak, seconded by Mr. Zwolenski, and voted 4 to 0 on an aye vote to approve the BVL liquor and victualing licenses for Yama Fuji, Inc. located at 900 Victory Highway as presented.**

**2ND READING ZONING ORDINANCE AMENDMENT RE: PARKING AND LOADING**

**Town Planner Robert Ericson commented that the public hearing was closed in October and the submitter, Mr. Zwolenski, would now have to waive the requirement of making a decision within 45 days.**

**Although decisions have to be rendered within a 45-day time period, Mr. Zwolenski agreed to waive that requirement.**

**Following a review of the proposed changes, the Council opted to vote on amendments and then continue the 2nd reading to January 22, 2013.**

**MOTION by Mr. Yazbak, seconded by Mr. Zwolenski, and voted 4 to 0 on an aye vote for Section 6.13.1 to read, "No unregistered,**

**unserviceable, discarded, or junked automobile or trailers of any kind or type, or bodies, engines, tires, parts or accessories thereof, shall be parked or stored on any property other than in a completely enclosed building or carport.”**

**MOTION by Mr. Yazbak, seconded by Ms. Alves, and voted 4 to 0 on an aye vote to amend Section 6.13.2 to read, “In any residence district the parking or storage of all commercial vehicles of over five (5) tons gross combined vehicle weight shall not be permitted, etc.”**

**Under Commercial Uses, MOTION by Mr. Yazbak, seconded by Ms. Alves, and voted 4 to 0 on an aye vote to include the following: “Retail and service business less than 20,000 square feet: three point five (3.5) parking spaces per one thousand (1,000) square feet of use floor area or part thereof.”**

**MOTION by Mr. Yazbak, seconded by Ms. Alves, and voted 4 to 0 on an aye vote to include the following: “Retail and service business 20,000**

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**square feet or more: three point eight (3.8) parking spaces per one thousand (1,000) square feet of use floor area or part thereof.”**

**MOTION by Mr. Yazbak, seconded by Ms. Alves, and voted 4 to 0 on**

**an aye vote to include the following: “Medical and out-patient uses: three point eight (3.8) parking spaces per one thousand (1,000) square feet of use floor area or part thereof” to be consistent with above.**

**MOTION by Mr. Yazbak, seconded by Ms. Alves, and voted 4 to 0 on an aye vote to amend Mixed Use to read, “Three point eight (3.8) parking spaces per one thousand (1,000) square feet of floor area or part thereof.”**

**MOTION by Mr. Yazbak, seconded by Ms. Alves, and voted 4 to 0 on an aye vote to add Section 6.15.2.7 which will read, “Parking provisions of Section 12.10 shall take precedence in MU1 and MU2 zones.”**

**MOTION by Mr. Yazbak, seconded by Mr. Zwolenski, and voted 4 to 0 on an aye vote to continue the 2nd reading to January 22, 2013.**

## **DOWLING VILLAGE STORMWATER MANAGEMENT AND WATER QUALITY**

**The Valley Alliance has filed a complaint with the town and Mr. Ericson would like to have time to review the water quality report that was submitted by Dowling Village engineers, continue his investigation of the complaint, and draft a response co-ordinated by Mr. Ericson and Building Inspector Robert Benoit with a review by the Town Solicitor.**

**Mr. Zwolenski questioned if pre-blast well surveys had been done and was told they had. \*Mr. Ericson responded that they had been.**

**(\*Corrected by Mr. Zwolenski at the 2/19/13 Council meeting)**

**MOTION by Mr. Yazbak, seconded by Mr. Zwolenski, and voted 4 to 0 on an aye vote to continue this matter to February 4, 2013.**

**BLACKSTONE RIVER VALLEY NATIONAL HERITAGE CORRIDOR INC. COOPERATIVE AGREEMENT**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted 4 to 0 on an aye vote to accept this agreement with Blackstone River Valley National Heritage Corridor Inc. and to authorize the Town Administrator to sign it.**

**AWARD OF BID RE: POLICE VEHICLE**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted 4 to 0 on an aye vote to award the bid for the purchase of one 2013 Dodge Charger with safety lighting and equipment to Central Dodge, Inc. for the amount of \$28,767.01 based upon the recommendations of the Town Administrator and the Acting Finance Director.**

**APPOINTMENT TO ECONOMIC DEVELOPMENT COMMISSION**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted 4 to 0 on an aye vote to approve Ms. Hamilton's reappointment of Robert**

**Nault to the Economic Development Commission. This is a five-year term that expires December 1, 2017.**

#### **APPOINTMENTS TO PARKS AND RECREATION COMMISSION**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted 4 to 0 on an aye vote to approve Ms. Hamilton's reappointments of Wayne Narodowy, H. Anthony Deller, Brian Barry, Philip M. Paul, Peter Dowling and Robert Cesario and her appointment of Marc Gagnon to the Parks and Recreation Commission. These are two-year terms that will expire on December 1, 2014.**

#### **APPOINTMENTS TO THE PERSONNEL BOARD**

**MOTION by Mr. Zwolenski and seconded by Ms. Alves to approve Ms. Hamilton's appointments of Paul Leclerc to a three-year term, Thomas Furey to a three-year term and Brenda Ball to a two-year term on the Personnel Board. Following a conversation regarding the terms, Mr. Zwolenski withdrew his motion and Ms. Alves withdrew her second.**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted 4 to 0 on an aye vote to approve Ms. Hamilton's reappointments of Paul Leclerc to a**

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**three-year term that expires on December 1, 2015 and Thomas Furey to a two-year term that expires on December 1, 2014 and the**

**appointment of**

**Brenda Ball to complete a three-year term that expires on December 1, 2014.**

#### **APPOINTMENTS TO BUDGET COMMITTEE**

**MOTION by Mr. Yazbak to reappoint Paul Vadenais to the Budget Committee. The motion died for lack of a second.**

**MOTION by Mr. Yazbak to reappoint Teresa Bartomioli to the Budget Committee. The motion died for lack of a second.**

**MOTION by Ms. Alves, seconded by Mr. Zwolenski, and voted 3 to 1 (Mr. Yazbak voted no) on an aye vote to appoint John Zambarano to the Budget Committee. This is a three-year term that expires on December 1, 2015.**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted 4 to 0 on an aye vote to appoint Michael Clifford to the Budget Committee. This is a three-year term that expires on December 1, 2015.**

#### **APPOINTMENTS TO HISTORIC DISTRICT COMMISSION**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted 4 to 0 on an aye vote to appoint Christian de Rezendes to the Historic District Commission. This is a three-year term that expires on December 1, 2015.**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted 4 to 0 on an aye vote to reappoint Jeffrey P. Harris to the Historic District Commission. This is a three-year term that expires on December 1, 2015.**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted 4 to 0 on an aye vote to reappoint Daniel M. Couture to the Historic District Commission. This is a three-year term that expires on December 1, 2015.**

#### **APPOINTMENTS TO THE JUVENILE HEARING BOARD**

**MOTION by Ms. Alves, seconded by Mr. Zwolenski, and voted 3 to 1 (Mr. Yazbak voted no) on an aye vote to appoint John Sutherland to the Juvenile Hearing Board. This is a three-year term that expires on December 1, 2015.**

**MOTION by Ms. Alves, seconded by Mr. Zwolenski, and voted 4 to 0 on an aye vote to appoint Kevin R. Hammann to the Juvenile Hearing Board. This is a three-year term that expires on December 1, 2015.**

#### **APPOINTMENT OF 2ND ALTERNATE TO THE PLANNING BOARD**

**There was no appointment.**

#### **APPOINTMENT TO PUBLIC SAFETY COMMISSION**

**MOTION by Ms. Alves, seconded by Mr. Zwolenski, and voted 4 to 0 on an aye vote to reappoint Sean Rousseau to the Public Safety**

**Commission. This is a three-year term that expires on December 1, 2015.**

#### **APPOINTMENT TO THE REDEVELOPMENT AGENCY**

**MOTION by Mr. Flaherty, seconded by Mr. Yazbak and Mr. Zwolenski, and voted 4 to 0 on an aye vote to appoint Scott Gibbs to the Redevelopment Agency. This is a five-year term that expires on December 1, 2017.**

#### **APPOINTMENTS TO THE SEWER COMMISSION**

**MOTION by Mr. Flaherty, seconded by Ms. Alves, and voted 4 to 0 on an aye vote to appoint Russell Houde to the Sewer Commission. This is a five-year term that expires on December 1, 2017**

**MOTION by Mr. Flaherty, seconded by Ms. Alves and Mr. Zwolenski, and voted 4 to 0 on an aye vote to appoint Kenneth Murphy to the Sewer Commission. This is the completion of a five-year term that expires on December 1, 2014.**

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#### **APPOINTMENTS TO THE ZONING BOARD**

**MOTION by Ms. Alves, seconded by Mr. Zwolenski, and voted 4 to 0 on an aye vote to reappoint Scott Martin to the Zoning Board. This is**

**the completion of a five-year term that expires on December 1, 2013.**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted 4 to 0 on an aye vote to reappoint Steven Scarpelli to the Zoning Board. This is a five-year term that expires on December 1, 2017.**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted 4 to 0 on an aye vote to appoint Vincent Marcantonio Sr. as the 1st Alternate to the Zoning Board. This is a one-year term that expires on December 1, 2013.**

**There was no appointment for the 2nd Alternate to the Zoning Board.**

#### **APPOINTMENT OF VETERANS ADVISOR**

**MOTION by Mr. Yazbak, seconded by Mr. Zwolenski, and voted 4 to 0 on an aye vote to appoint Frank Lightowler as the Veterans Advisor. This is a two-year term that expires on December 1, 2014.**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted 4 to 0 on an aye vote at 9:56 P.M. to extend the meeting to 10:20 P.M.**

#### **APPOINTMENT OF SEALER OF WEIGHTS AND MEASURES**

**MOTION by Mr. Yazbak to reappoint Steven Niedzwiadek as the Sealer of Weights and Measures. The motion died for lack of a second.**

**No other nomination was made.**

## **JOINT MEETING WITH ALL BOARDS**

**Mr. Flaherty would like to have one meeting with all boards to review the Town Council's work plan.**

**\*Hearing no objection, he suggested that it be held on a Saturday morning in March. Once again, after no objection, he said he would email Town Council members to determine the best Saturday to schedule the meeting.**

**(\*Amended by Mr. Flaherty at the 2/19/13 Council meeting)**

## **RULES OF THE TOWN COUNCIL**

**Mr. Flaherty suggested some amendments to the current Rules of the Town Council.**

**Mr. Yazbak suggested including to these amended rules that no materials would be accepted on the night of the Council meeting.**

**This was continued to January 22, 2013 as the first item on the agenda.**

## **AWARD OF BID FOR SEWER PUMP FOR MECHANIC STREET PUMP STATION**

**Ms. Hamilton explained the need for this pump is because of a pump failure that occurred on January 4th.**

**MOTION by Mr. Yazbak, seconded by Mr. Zwolenski, and voted 4 to 0 on an aye vote to award the bid for the sewer pump to D & S in the amount of \$11,985.00 based upon the recommendations of Mr. Pendergast, Mr. Carpenter, Mrs. MacDonald and Ms. Hamilton.**

**MOTION by Ms. Alves, seconded by Mr. Zwolenski, and voted 4 to 0 on an aye vote to adjourn at 10:10 P.M.**

**Respectfully submitted,**

**Debra A. Todd, Town Clerk**